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L A W Y E R S

E-Filed on 3/23/07

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- × USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO
CLAIMS ASSERTING
ADMINISTRATIVE EXPENSE STATUS**

Hearing Date: April 26, 2007
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
YOU FILED. THIS IS NOT AN OBJECTION TO THE AMOUNT OR VALIDITY
OF YOUR CLAIM, RATHER IT ARGUES THAT YOUR CLAIM IS NOT
ENTITLED TO ADMINISTRATIVE EXPENSE STATUS. THE DEADLINE TO
RESPOND TO THE OBJECTION IS APRIL 19, 2007. PLEASE DO NOT
CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE
MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A**

1 **CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC**
2 **GROUP AT 888-909-0100, OR WWW.BMCGROUP.COM/USACMC, or to the**
3 **undersigned counsel.**

4 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
5 through its counsel, has filed an Omnibus Objection to Claims Asserting Administrative
6 Expense Status (the "Objection"). The USACM Liquidating Trust has requested that this
7 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
8 "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
9 "Bankruptcy Rules"), for an order denying administrative expense status to three alleged
10 administrative expense claims asserting Claims against USA Commercial Mortgage
11 Company ("USACM") that aggregate over \$95,000.

12 Specifically, the USACM Liquidating Trust objects to these Claims on the basis
13 that they are not entitled to administrative expense status and contends that they should be
14 classified as general unsecured Claims. Furthermore, none of the Administrative Expense
15 Claims are the kind of expense that generally qualify as administrative under section
16 503(b), and the claimants have submitted no evidence in support of their alleged status.
17 The Trust requests that the Court reclassify these claims as general unsecured claims
18 (albeit subject to additional objections). As explained in the motion, the USACM
19 Liquidating Trust may have other objections to the claims that will be filed later.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
21 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
22 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
23 **April 26, 2007, at the hour of 9:30 a.m.**

24 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26,**
25 **2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
26

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**SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
HEARD ON THAT DATE.**

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed
by **April 19, 2007** pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and
served on the objecting party at least 5 business days before the scheduled
hearing. A response is deemed sufficient if it states that written
documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this
pleading with the Court. You *must* also serve your written response on the person who
sent you this notice.

If you do not file a written response with the Court, or if you do not serve your
written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the
hearing.

Dated: March 23, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

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